Revised 05/01 WDNY

# UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK 05 CV 0488

### FORM TO BE USED IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

(Prisoner Complaint Form)

1.	CAPTION	OF.	ACTION
1.	CALIUN	V	UC IIOII

tschell	Ashcroft	03-A-1961	
2			28
	-VS-		5 E
The court may not consider a claim a rou may continue this section on ano	igainst anyone not identified in this so ther sheet of paper if you indicate be 4.	ection as a defendant. If you have low that you have done so.	-D 7
	6.		2
·			<del></del>
	2. STATEMENT OF JUR	ISDICTION	
	2. STATEMENT OF JUR		
United States. This action is brou	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983.	rotect the rights guaranteed by	y the Constitution of the er the action pursuant
United States. This action is brou	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983. I), and 2201.	rotect the rights guaranteed by The Court has jurisdiction ov	y the Constitution of the er the action pursuant
United States. This action is brou 28 U.S.C. §§ 1331, 1343(3) and (4	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983. b), and 2201.	rotect the rights guaranteed by The Court has jurisdiction ov	er the action pursuant
United States. This action is brou 28 U.S.C. §§ 1331, 1343(3) and (4	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983. h), and 2201.  3. PARTIES TO THIS  NOTE: To list additional plaintiffs,	rotect the rights guaranteed by The Court has jurisdiction ov  ACTION  use this format on another sheet of	er the action pursuant
United States. This action is brou 28 U.S.C. §§ 1331, 1343(3) and (4	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983.  ), and 2201.  3. PARTIES TO THIS  NOTE: To list additional plaintiffs, intiff:	ACTION  use this format on another sheet of the court has jurisdiction over the court has juri	er the action pursuant
United States. This action is brou 28 U.S.C. §§ 1331, 1343(3) and (4  PLAINTIFF'S INFORMATION  Name and Prisoner Number of Plai	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983.  3. PARTIES TO THIS  NOTE: To list additional plaintiffs, intiff:	rotect the rights guaranteed by The Court has jurisdiction ov  ACTION  use this format on another sheet of	er the action pursuant
United States. This action is brou 28 U.S.C. §§ 1331, 1343(3) and (4  PLAINTIFF'S INFORMATION  Name and Prisoner Number of Plai	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983.  3. PARTIES TO THIS  NOTE: To list additional plaintiffs, intiff:	ACTION  use this format on another sheet of the court has jurisdiction over the court has juri	er the action pursuant
United States. This action is brou 28 U.S.C. §§ 1331, 1343(3) and (4	f and/or damages to defend and p ight pursuant to 42 U.S.C. § 1983.  3. PARTIES TO THIS  NOTE: To list additional plaintiffs, intiff:	ACTION  use this format on another sheet of the court has jurisdiction over the court has juri	er the action pur

# 

Present Place of Confinement & Addr	ess:
format on another sheet of paper	To provide information about more defendants than there is room for here, use this
	<del></del>
·	endant:
	Individual and/orOfficial Capacity
Address of Defendant:	Box-1187, Alden N.Y. 14004,
•	<del>55</del> 2-118 () <del>5</del> 12-12-12-13 ()
Name of Defendant:	
(If applicable) Official Position of Def	fendant:
	Individual and/orOfficial Capacity
Name of Defendant:	
	fendant:
(If applicable) Defendant is Sued in _	Individual and/orOfficial Capacity
Address of Defendant:	
4. PRE	EVIOUS LAWSUITS IN STATE AND FEDERAL COURT
A. Have you begun any other is  Yes No	awsuits in state or federal court dealing with the same facts involved in this action?
	NOTE: If you have brought more than one lawsuit dealing with the same facts as this e other action(s) on another sheet of paper.  s other lawsuit:
Plaintiff(s):	• • • • • • • • • • • • • • • • • • •
Defendant(s):	

## 

The ap						
	•	n case was assigned:	N	ONE	·	
What	was the disposition	he action was filed:		<del>sam.</del>		<u> </u>
		on of the case?	<i></i>	10NQ	***	
	Is it still pendin	ng? Yes No	•			
	If not,	give the approximate date it w	vas resolved			
	Disposition (cl	neck the statements which appl	ly):			
	<u>Dismisse</u>	d (check the box which indica	ites why it was	s dismissed):		
		By court sua sponte as frive upon which relief can be gra		ous or for failin	ng to state a cla	im
•	· .	By court for failure to exhau	ıst administrat	ive remedies;	; + -	
	_	By court for failure to pro- order;	secute, pay fi	ling fee or oth	erwise respond	to a court
•	<u> </u>	By court due to your volunt	ary withdrawa	d of claim;		
	Judgmen	nt upon motion or after trial ent	tered for			
		plaintiff				
		defendant.				•
Have	you begun any o	ther lawsuits in federal court	t which relate	e to your impr	isonment?	
	Yes1	No				•

### Case 1:05-cv-00488-HBS Document 1 Filed 07/13/05 Page 4 of 21

5.	The approximate date the action was filed:							
6.	What was the disposition of the case?							
	Is it still pending? Yes No							
	If not, give the approximate date it was resolved.							
	Disposition (check the statements which apply):							
	Dismissed (check the box which indicates why it was dismissed):							
	By court sua sponte as frivolous, malicious or for failing to state a claim upon which relief can be granted;							
	By court for failure to exhaust administrative remedies;							
	By court for failure to prosecute, pay filing fee or otherwise respond to a court order;							
	By court due to your voluntary withdrawal of claim;							
	<u>Judgment</u> upon motion or after trial entered for							
	plaintiff							
	defendant.							
	5. STATEMENT OF CLAIM							
For you	ur information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42							
U.S.C.	§ 1983. (This list does not include <u>all</u> possible claims.)							
	<ul> <li>Religion</li> <li>Free Speech</li> <li>Due Process</li> <li>Equal Protection</li> <li>Access to the Courts</li> <li>False Arrest</li> <li>Excessive Force</li> <li>Failure to Protect</li> <li>Search &amp; Seizure</li> <li>Malicious Prosecution</li> <li>Denial of Medical Treatment</li> <li>Right to Counsel</li> </ul>							
	note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which lieve support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.							

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far a practicable to a single set of circumstances."

#### Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

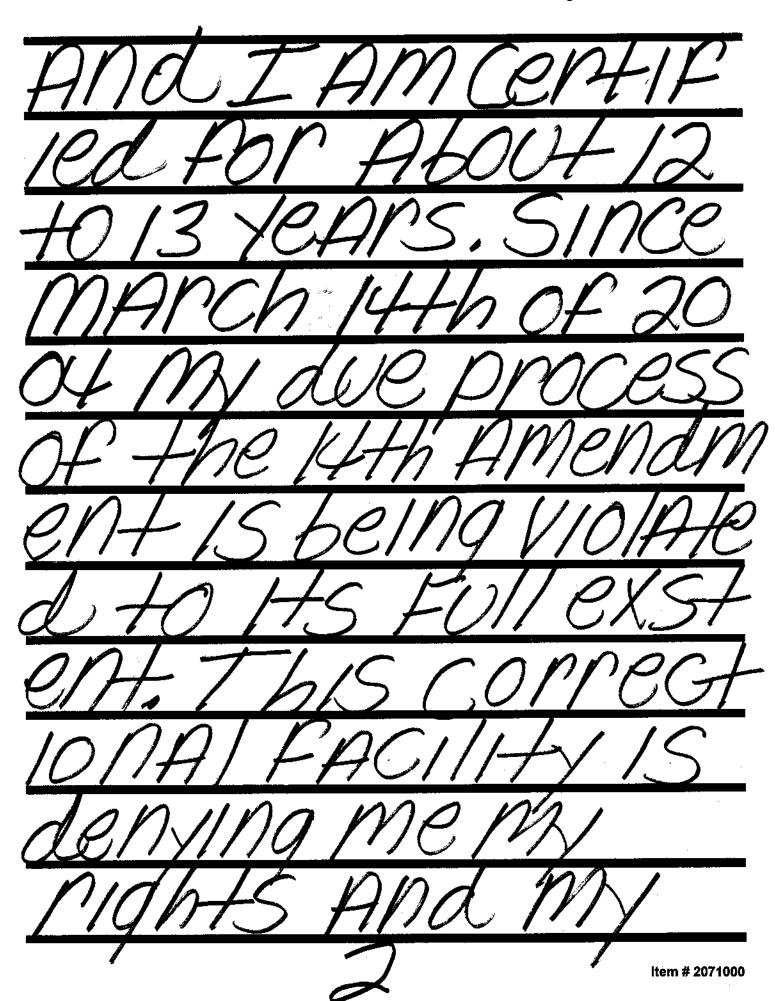
You must <u>provide information</u> about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must <u>attach copies</u> of any decisions or other documents which indicate that you have exhausted your remedies for <u>each</u> claim you assert in this action.

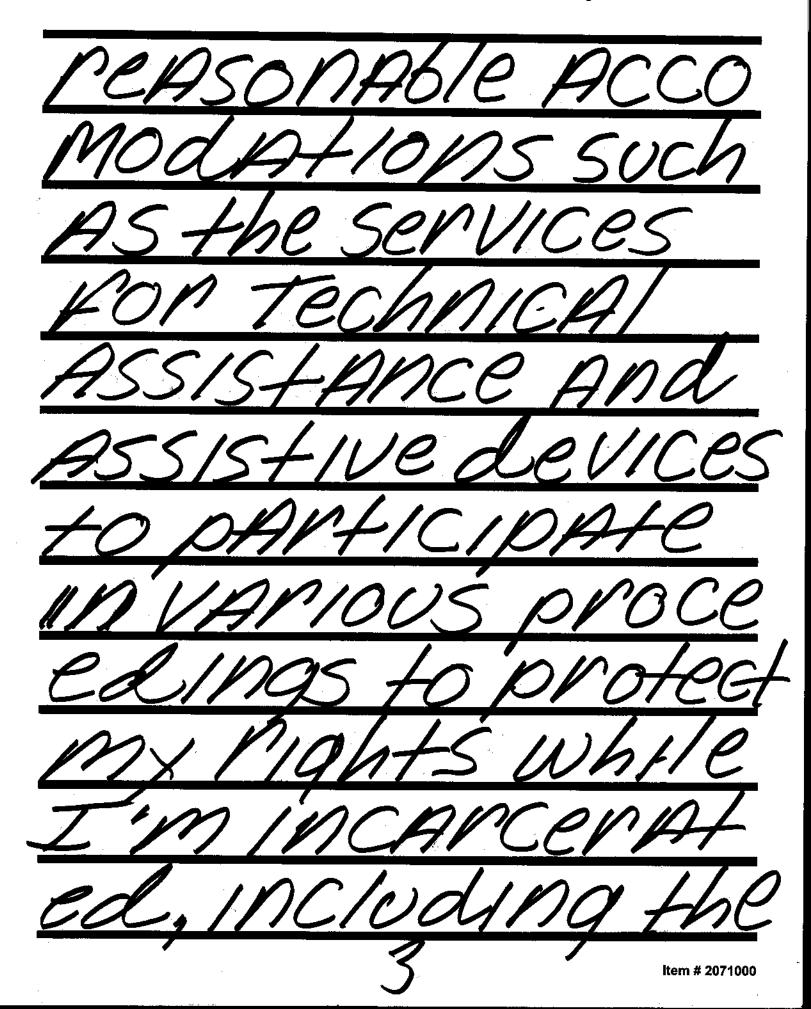
					1 times,	Greiveance
A. FIRST CLAIM:	On (date of	of the incident)	AS <del>ST</del>	487		· 
defendant (give the	name and		of each defen	_	is incident)	
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				· .
did the following to	me (briefly	state what eacl	h defendant na	med above did): _		
		· · · · · · · · · · · · · · · · · · ·				· · · · · · · · · · · · · · · · · · ·
			<del></del>	•	· · · · · · · · · · · · · · · · · · ·	
The constitutional b	asis for this	claim under 4.	2 U.S.C. § 198	3 is: <u>crul</u>	e and un	and corre
The relief I am seek	ing for this	laim is (briefl	y state the relie	ef sought):	retary Do	muneron,
Did you grieve or a				strative Remedies		at returned
yet					•	
Did you appeal that					result?	<u> </u>
	<b></b>					

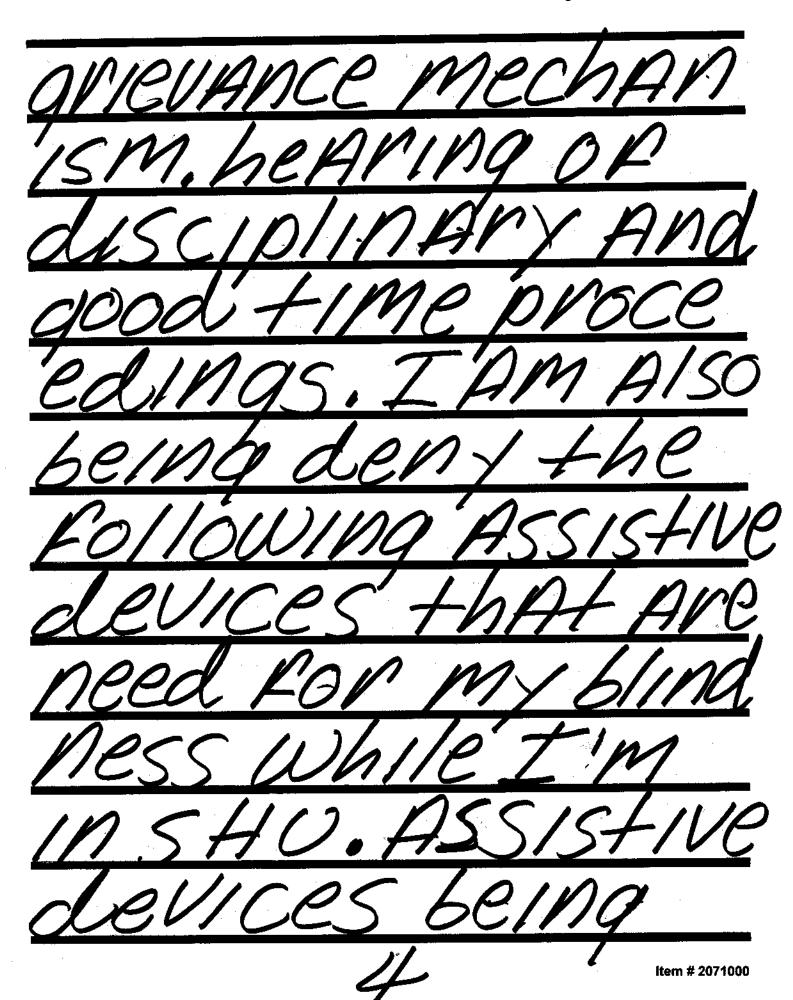
#### 6. RELIEF SOUGHT

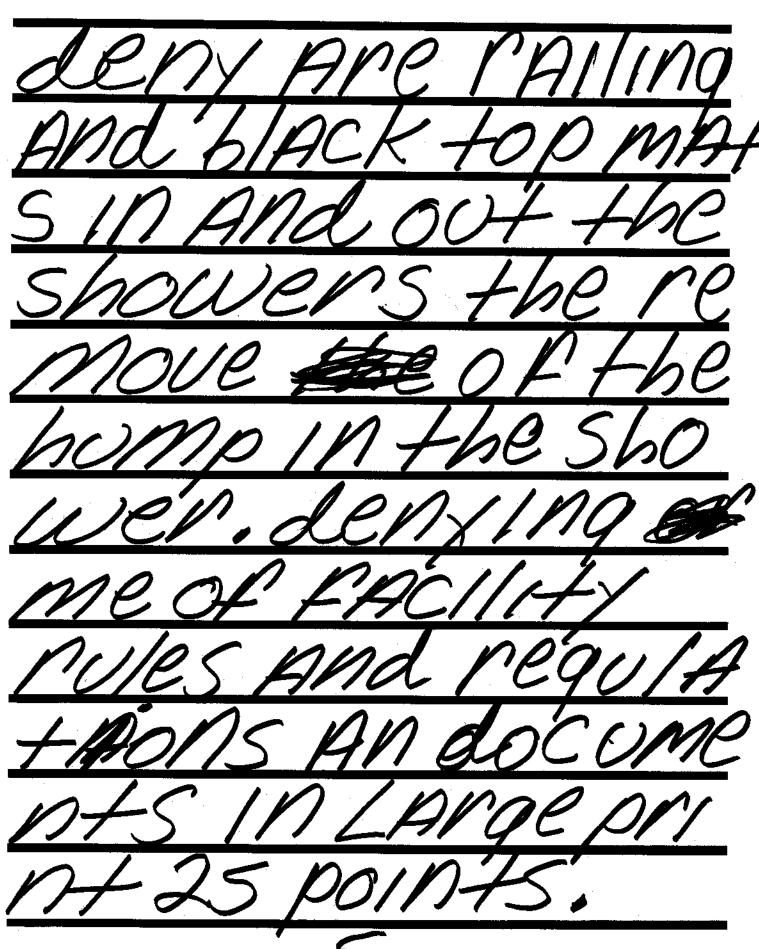
Summarize the relief requeste	ed by you in each state	ment of claim above.	
1 Henethy	domode	S	
2 injuntive	relief		
			·
Do you want a jury trial? Yes No			
I declare under penalty of perjury that the f	foregoing is true a	nd correct.	
Executed on			
(date)			
NOTE: Each plaintiff must sign this complaint and mus	t also sign all subsequ	ent papers filed with the	Court.
Sec.	Coll Illand	MED OS	71961
· · · · · · · · · · · · · · · · · · ·		17/10	5
	Signature(s	) of Plainiff(s)	<del>-</del>

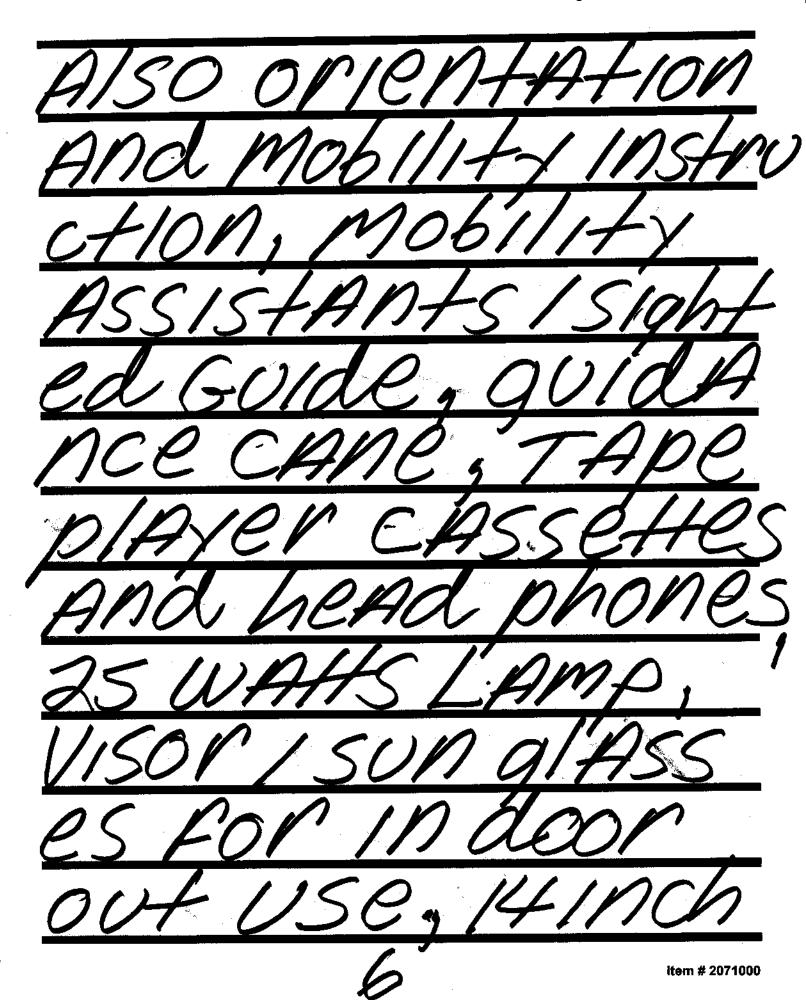
0488 e U.S. COL

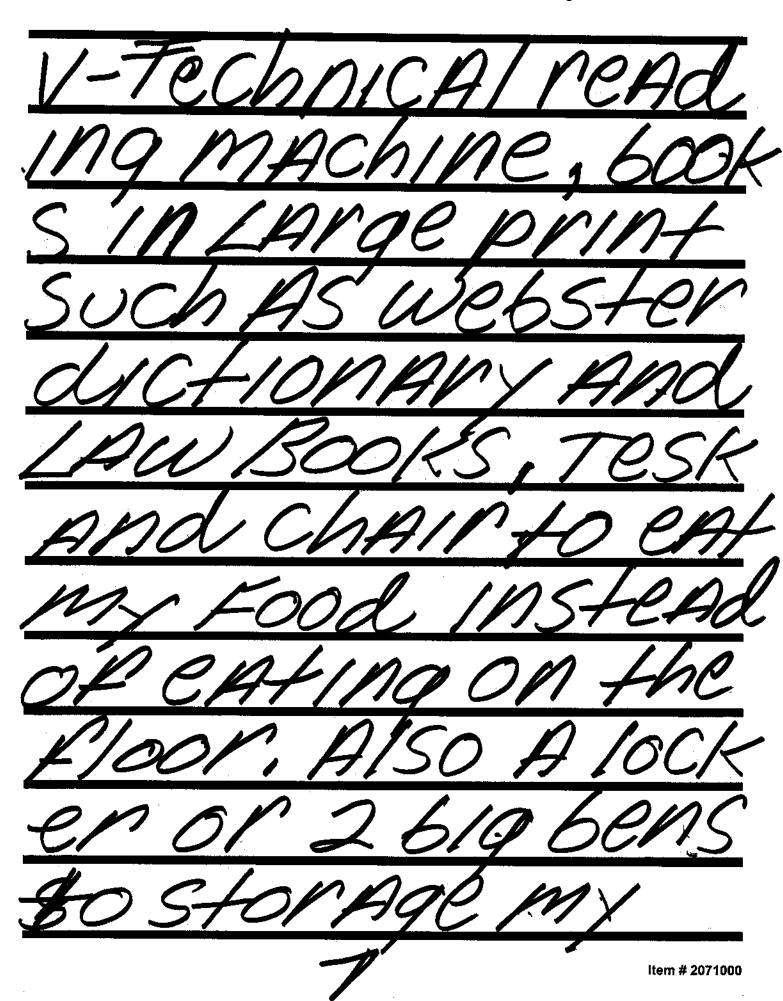


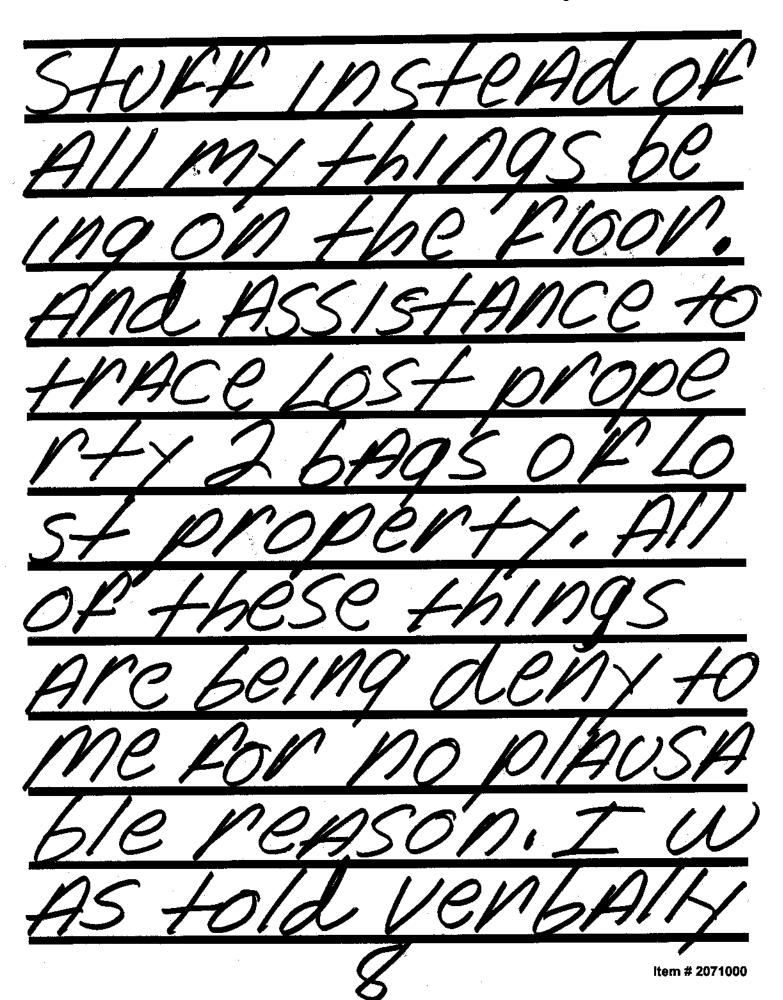


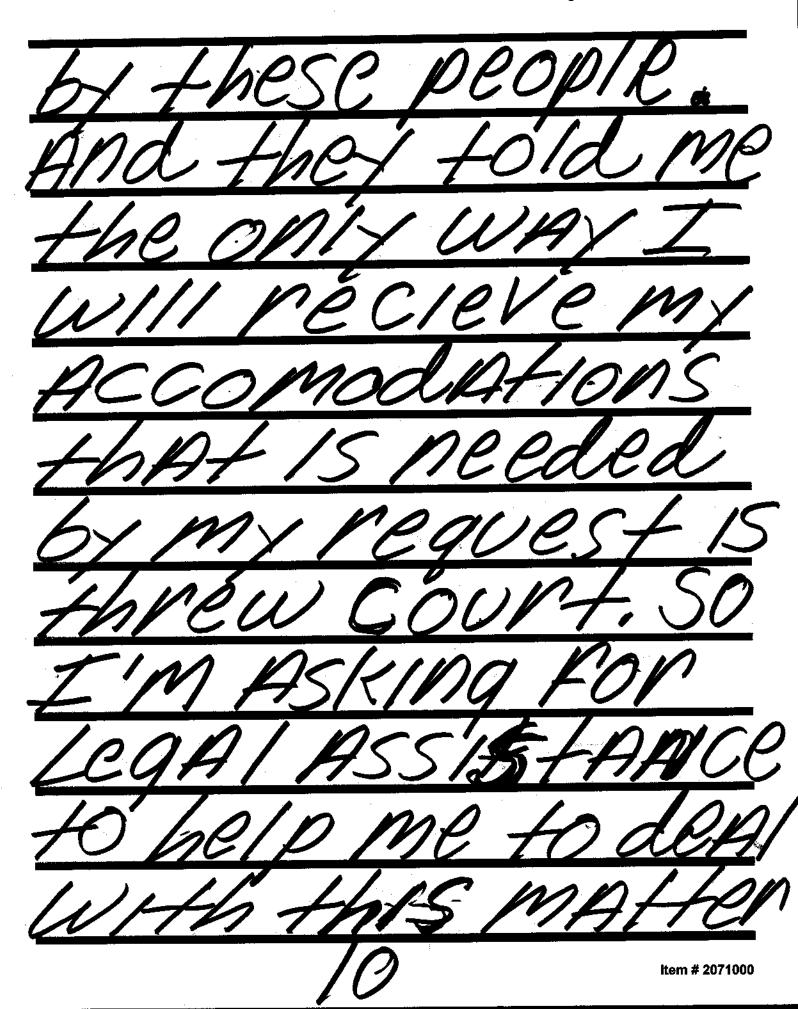


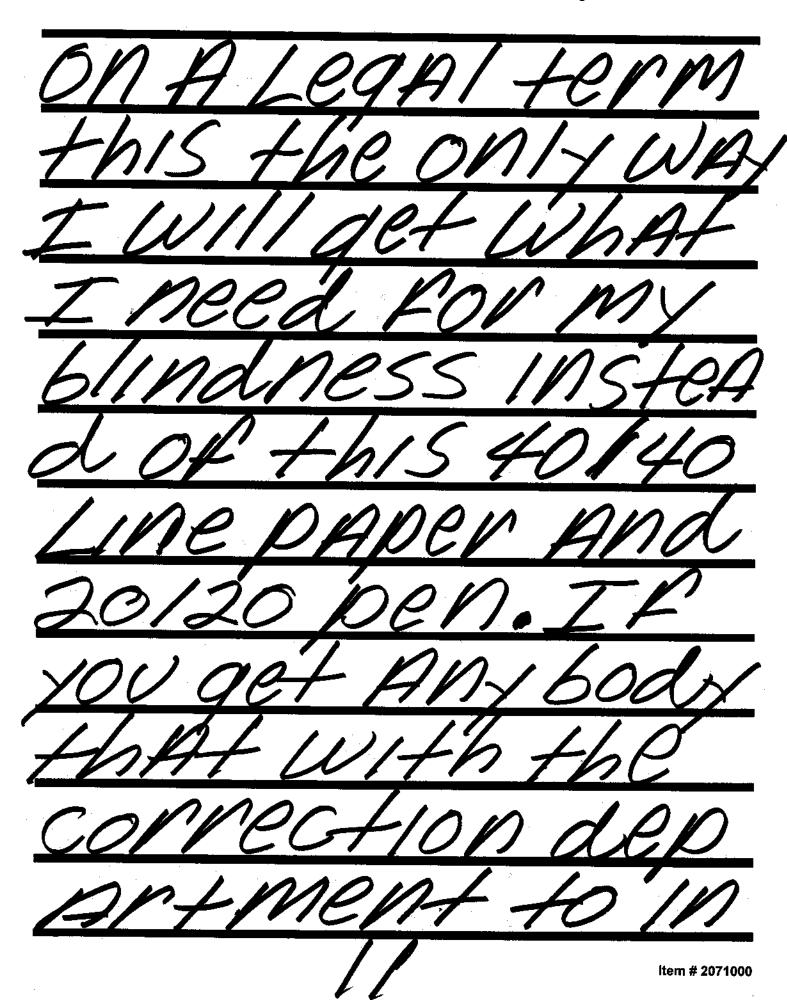


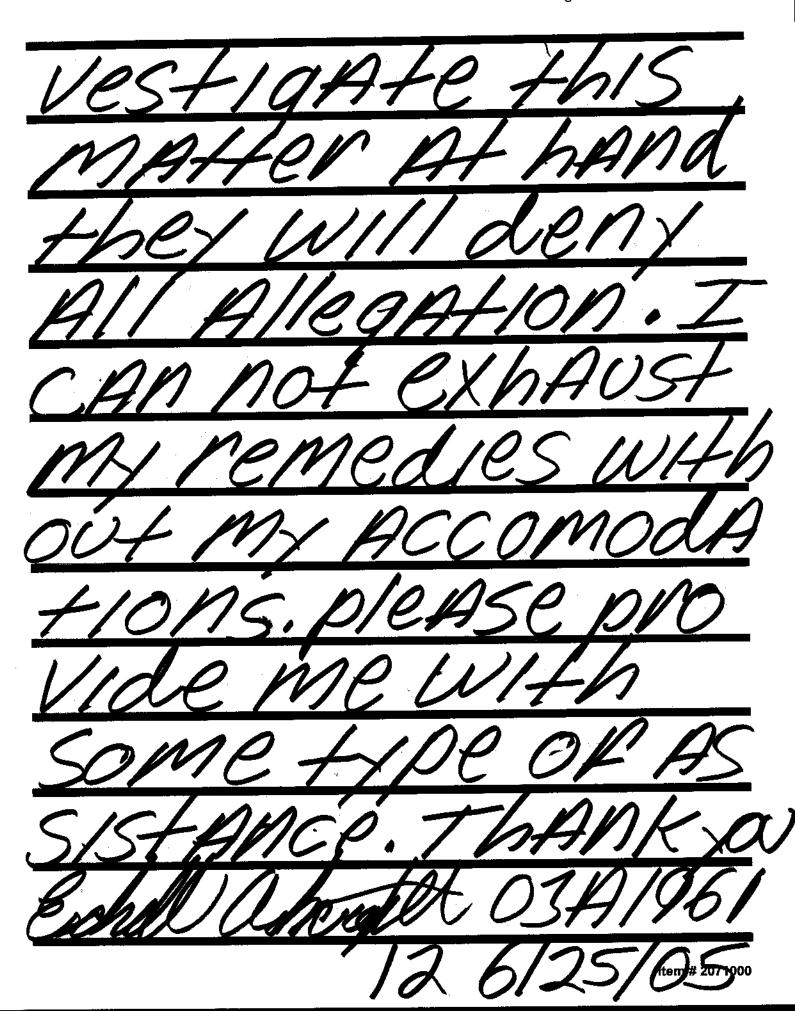


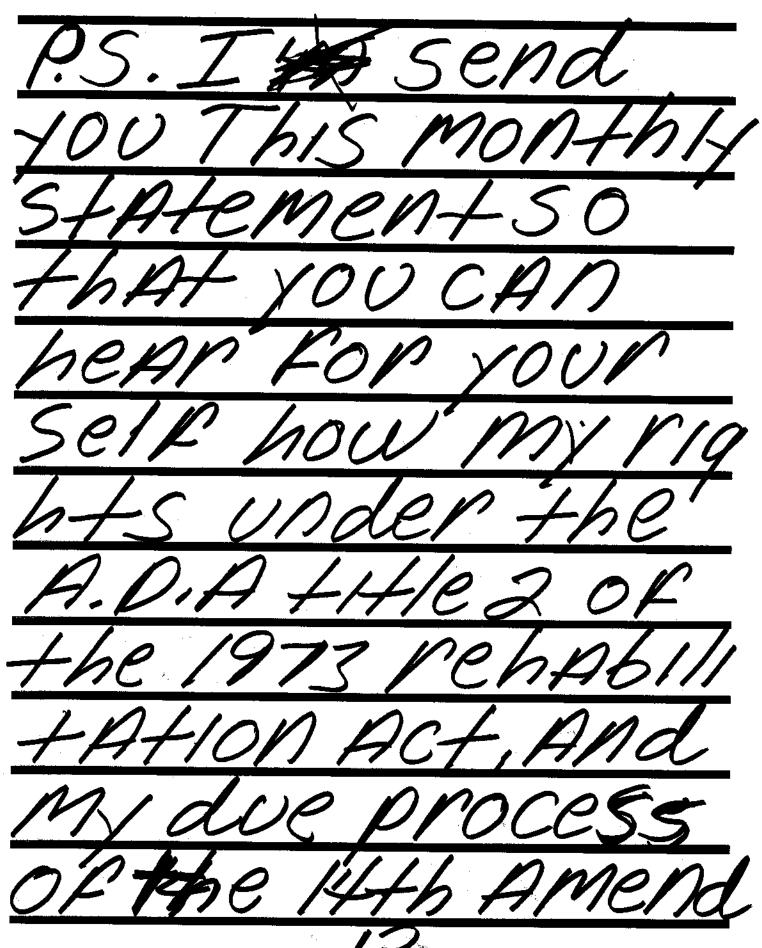












item # 2071000

